IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12369 of 2004

Between:

M/s Kakatiya Cement, Sugars & Industries Ltd. having its registered office at 1-10-140/1, Ashoknagar, Hyderabad rep.by its Company Secretary Sri A.Satyanarayana, S/o Kailasam Reddy,
aged about 36 years

..... PETITIONER

AND

1.Transmission Corporation of Andhra Pradesh Ltd, Vidyuth

Soudha, Hyderabad rep.by its Chairman & M.D.
2.Andhra Pradesh Electricity Regulatory Commission, Singareni

Bhavan, Red Hills, Hyderabad, rep.by its Chairman

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly a Writ in the nature of Mandamus, a) declaring the action of the 2nd respondent in initiating proceedings and issuing the order/directions in Letter No.APERC/Secy/ Dir(Engg)/DD(Tr)/F-PPA/D.No.1892/2003 dated 18-08-2003 and the further order/direction in the 2nd respondents letter No.APERC/Secy/Dir(Engg)/DD(Tr)/F-PPA/D No.2739/2003 dated 15-11-2003 as illegal and contrary to law and to set aside the same; b) declaring that the 1st respondent is liable to purchase and pay for all the energy delivered from the power project of the petitioner to the 1st respondent as per the existing Power Purchase Agreement between the 1st respondent and the Petitioner

without any limitation; and c) declaring the action of the 1st respondent as communicated by the 1st respondent's letter FA & CCA/A&D /SAO/PP & S/D.No.652/04 dated 26-6-2004 in deducting the amount for the alleged quantum of excess energy delivered above 100% PLF during each 30 minutes time block for the months from December, 2003 to May, 2004 and subsequently as arbitrary, unreasonable, and contrary to law.

Counsel for the Petitioner: SMT.G.VIJAYA LAKSHMI

Counsel for the Respondents: Mr. S Ravindranath

The Court made the following:

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ORDER:-

Learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to file fresh writ petition having regard to the subsequent events. Permission is accorded.

Accordingly, this writ petition is dismissed as withdrawn with liberty to the writ petitioner to file fresh writ petition having regard to the subsequent events.

Stv/-

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman & M.D.Transmission Corporation of Andhra Pradesh Ltd, Vidyuth Soudha, Hyderabad

2. The Chairman,Andhra Pradesh Electricity Regulatory Commission, Singareni Bhavan, Red Hills, Hyderabad,

3. 2 CD copies.